

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

AMYIAH COHOON, a minor,  
by and through her parents,  
Richard Cohoon and Angela Cohoon,

Plaintiff,

Case No. 2:20-CV-620-JPS

v.

JOSEPH KONRATH and CAMERON KLUMP,

Defendants.

---

**DECLARATION OF ALLISON DAVEY**

---

STATE OF WISCONSIN     )  
                                      ) ss.  
MARQUETTE COUNTY     )

I, ALLISON DAVEY, being first duly sworn upon oath, deposes and states as follows:

1. I am a Public Health Nurse for Marquette County and have been in his position for approximately four and a half years. I was employed as a registered nurse for approximately 15 years before my employment with the County. This Declaration is based on my personal knowledge and review of records and documents which are under my possession and control or otherwise accessible through the County.

2. On March 25, 2020, I received an email from Nicole Wollert, nurse for the Westfield School District. In this email, Nurse Wollert stated the school district had learned in the past week from a mother of a student that her daughter had contracted COVID-19 while on the recent band trip to Florida and is now in a hospital and may be placed on a “respirator.”

Nurse Wollert asked me in this email if there were any confirmed cases of COVID-19 in Marquette County, where this student (later learned to be Ms. Amyiah Cohoon) lived.

3. In response to her March 25<sup>th</sup> email referenced above, I spoke with Nurse Wollert on the telephone and confirmed there were no confirmed cases of COVID-19 in the County. I also requested contact information for Ms. Cohoon's family from Nurse Wollert so that I could reach out to the family to start contact tracing if Amyiah did have COVID-19. It is State Protocol that the Health Department is notified of diagnosis and testing of Category 1 diseases immediately upon identification. COVID-19 is a Category 1 disease, meaning under Wisconsin Department of Health Services Administrative Codes, a diagnosis of COVID-19 must be reported immediately to the local health officer, which was Jayme Sopha, Director and Health Officer for Marquette County Health Department. If Amyiah was diagnosed, I was concerned that I had not been notified of this in a timely manner. This was the Department's standard protocol regarding potential threats of communicable diseases.

4. I called Ms. Cohoon's mother, Ms. Angela Cohoon, later on March 25, 2020. Angela Cohoon stated in this conversation that they had taken Amyiah to the emergency room at Divine Savior Hospital in Portage, Wisconsin. I asked Angela how Amyiah was doing, what symptoms Amyiah had, where Amyiah had traveled recently, and what contacts she recently had with friends or family members. I also asked if they were self-quarantining since Amyiah had become ill. Angela told me, in part, that Amyiah's symptoms began on March 19<sup>th</sup> or March 20<sup>th</sup> and that both Amyiah and Mrs. Angela Cohoon returned from the school's band trip on March 15, 2020.

5. I asked Angela Cohoon in our phone conversation to contact the County Health Department if she had any questions or concerns or if she thought the County could assist the situation in any way.

6. After my telephone call with Angela Cohoon, I called the Divine Savior emergency room and spoke with a nurse, named Lindsey, who confirmed Amyiah was in the emergency room and was most likely going to be tested for COVID-19 and transferred to the children's hospital at UW-Madison.

7. Later on March 25, 2020, I emailed Nurse Wollert at the School District asking her about the length of the band trip to Florida and if she had a list of all students, teachers, and chaperones who went on the trip, as well as telephone numbers for each person. This information would be necessary if Amyiah tested positive for COVID-19, because the County Health Department would have had to: (1) follow up with each individual on their current health status and symptomology; (2) request a 14 day quarantine for each of those people; and (3) follow up twice a day by telephone with each person during the quarantine to check on their symptoms, requesting those with symptoms to get tested for the virus. It was my understanding that many Marquette County residents were on this trip.

8. Through communications with Nurse Wollert from the School District, I learned the School District had been receiving telephone calls from parents who were concerned their children had been exposed to COVID-19 on the band trip. I learned these concerns stemmed from students and parents seeing Amyiah Cohoon claim on social media that she had COVID-19.

9. During the morning of March 26, 2020, I received notification through the state's reporting system that Amyiah had tested negative for COVID-19.

10. In response to Nurse Wollert's follow-up inquiry as to whether Amyiah Cohoon had tested positive for COVID-19, I responded later on March 26, 2020, that the County still had no confirmed cases of the virus and to let me know if the County could be of any more assistance.

11. Later on March 26, 2020, the School District's superintendent, Robert Meicher, contacted me asking if there were any confirmed COVID-19 cases in the County, in light of at least one social media post apparently made by Amyiah Cohoon. I advised Mr. Meicher that there were no confirmed cases and that the School District would be notified of any confirmed cases through the County's Emergency Operation Center.

12. The Emergency Operation Center was a County system implemented to deal with the County's coordinated response to the spreading virus operationally across County departments. Health Department Director Jayme Sopha was the Incident Commander, with different tasks delegated to different County officials.

13. The Health Department, including myself, had received telephone calls from other parents and concerned citizens regarding Amyiah Cohoon's social media postings about having COVID-19. Health Department resources were shifted away from other day to day tasks of dealing with COVID-19 issues and other public health issues to responding to these numerous calls. We explained to the concerned citizens that there were no confirmed cases of COVID-19 in the County and tried to alleviate their concerns and fear about the positive COVID-19 that Amyiah's posting portrayed; however, our attempts to alleviate concerns did not appear to be able to keep pace with the growing disturbance and concern within the community. The Health Department was also made aware by Nurse Wollert that the School District had been receiving numerous telephone call from concerned citizens and parents regarding Amyiah's social media

postings about having COVID-19, expressing increased concern and fear about the potential positive COVID-19 case.

14. Around 5:30 p.m. on March 27, 2020, I received a telephone call from School District Nurse Wollert that parents of students continued to call the School District regarding Amyiah's social media postings regarding being positive for COVID-19. Nurse Wollert emailed me a copy of Amyiah's latest social media posting in which she stated she was "finally home after being hospitalized for a day and a half. [She was] still on breathing treatment but ha[d] beaten the corona virus. Stay home and be safe." The posting included a photograph of Amyiah in a hospital gown, on a hospital bed, with a breathing mask on.

15. Following my communication with Nurse Wollert, I called Sheriff Joseph Konrath and asked if he would follow up with Amyiah regarding her social media postings on having COVID-19. I told the Sheriff the County has not had any confirmed COVID-19 cases to date, yet Amyiah was still posting she had the virus and had been treated for it, which was causing a disturbance within the community, including unfounded panic and fear.

16. My intent in requesting the Sheriff to follow up with Amyiah was to hopefully have the social media postings voluntarily taken down. COVID-19 was still a relatively new public health crisis at the time and remains a difficult and dynamic pandemic that our Health Department is constantly responding to in changing ways. The Health Department was receiving calls from citizens who were scared and increasingly anxious about the health climate at that time, including regarding Amyiah's postings on the virus since the County had reported there were not confirmed cases to that point.

17. Prior to contacting the Sheriff, I had consulted with Jayme Sopha, the Director of the Health Department, on different ways to help alleviate the increasing concerns of citizens

regarding the virus. Regarding Amyiah's statements that she had COVID-19 even though she tested negative for it, Ms. Sopha and I discussed contacting law enforcement to follow up with Amyiah about potentially taking down these postings.

18. Based upon feedback the Department was receiving from citizens and feedback the School District representatives shared they too were receiving from citizens, citizens were getting increasingly scared of the potential positive case that Amyiah was representing she had through her social media postings. If Amyiah was in fact positive for COVID-19, as she described in her social media post, dozens of individuals who were on the trip to Florida would have been expected to call off of work in order to self-quarantine and to self-isolate from some in their families.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 24<sup>th</sup> day of April, 2020.

s/ Allison Davey  
Allison Davey